GOVERNMENT OF INDIA
URBAN DEVELOPMENT
LOK SABHA

UNSTARRED QUESTION NO:2893
ANSWERED ON:17.08.2004
DELHI LAND REFORMS ACT, 1954
Jha Shri Raghunath

Will the Minister of URBAN DEVELOPMENT be pleased to state:

to the reply given to USQ.No. 236 and 3642 dated November 30, 1999 and April 16, 2002 respectively and state:

(a) whether the provisions of Delhi Land Reforms (DLR) Act, 1954 enacted by the Legislative cannot be amended/superceded by issuing an administrative order/instructions/guidelines;

(b) if so, the details thereof;

(c) whether a Bhumidar or Aasami is not entitled to use his agricultural holding or part thereof for other than agricultural purposes unless permission for industrial purposes is accorded as per the provisions contained under Section 23 of the DLR Act, 1954;

(d) if so, the reasons for granting permission/license for running `motel` in Delhi on agricultural land, without invoking the provisions of Section 23 of the DLR Act, 1954; and

(e) the corrective steps the Government proposes to take in the matter?

Answer

MINISTER OF PARLIAMENTARY AFFAIRS AND URBAN DEVELOPMENT (SHRI GHULAM NABI AZAD)

(a)to(e): The Delhi Land Reforms Act, 1954 Section 23 provides that a Bhoomidar shall not be, as Agriculturist entitled to use his holding or part thereof for industrial purposes or other purposes which are not covered under Section 22 of the said Act i.e. for purposes other than that connected with agricultural horticulture or animal husbandry which includes pisciculture and poultry farms. However, Delhi Development (DD) Act, 1957 Section 53 clarifies that the provisions of the said Act and the Rules and Regulations made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law. The Master Plan of Delhi 2001 framed under DD Act, defines motels as `permissible facility within the National Capital Territory of Delhi specially to cater to proper lodging, rest and recreation and related activities of the traveller by road`. This matter was also considered by the High Court of Delhi in CWP No. 2435 of 2004 wherein the Delhi High Court in its order dated 13.4.2004 has upheld such use in view of provisions of Section 53(3) of DD Act.